



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRB-0990/en
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SENATE BILL 10

1 **AN ACT** *to amend* 59.692 (6m), 62.231 (6m), 87.30 (1) (d) and 281.165 (1); and *to*
2 *create* 281.165 (4) of the statutes; **relating to:** an exemption from water
3 quality standards for wetlands and from certain other regulatory provisions
4 concerning water quality and surface water use that apply to a wetland area
5 in the village of Ashwaubenon; and review of certain changes to shoreland,
6 wetland, and floodplain zoning ordinances that apply to a wetland area in the
7 village of Ashwaubenon.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1.** 59.692 (6m) of the statutes is amended to read:
9 59.692 **(6m)** For an amendment to an ordinance enacted under this section that
10 affects an activity that meets all of the requirements under s. 281.165 (2) or (3) (a),

1 or (4) (a), the department may not proceed under sub. (6) or (7) (b) or (c), or otherwise
2 review the amendment, to determine whether the ordinance, as amended, fails to
3 meet the shoreland zoning standards.

4 **SECTION 2.** 62.231 (6m) of the statutes is amended to read:

5 62.231 **(6m)** CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
6 ordinance enacted under this section that affects an activity that meets all of the
7 requirements under s. 281.165 (2) ~~or~~ (3) (a), or (4) (a), the department of natural
8 resources may not proceed under sub. (6), or otherwise review the amendment, to
9 determine whether the ordinance, as amended, fails to meet reasonable minimum
10 standards.

11 **SECTION 3.** 87.30 (1) (d) of the statutes is amended to read:

12 87.30 **(1)** (d) For an amendment to a floodplain zoning ordinance that affects
13 an activity that meets all of the requirements under s. 281.165 (2) ~~or~~ (3) (a), or (4)
14 (a), the department may not proceed under this subsection, or otherwise review the
15 amendment, to determine whether the ordinance, as amended, is insufficient.

16 **SECTION 4.** 281.165 (1) of the statutes is amended to read:

17 281.165 **(1)** COMPLIANCE; EXEMPTION. An activity shall be considered to comply
18 with the water quality standards that are applicable to wetlands and that are
19 promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction,
20 requirement, permit, license, approval, authorization, fee, notice, hearing,
21 procedure or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292
22 or 299 or specified under any rule promulgated, order issued or ordinance adopted
23 under any of those sections or chapters, if the activity meets all of the requirements
24 under either sub. (2) ~~or~~ (3), or (4).

25 **SECTION 5.** 281.165 (4) of the statutes is created to read:

